

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 26. NURSES
ARTICLE 3. GEORGIA QUALIFIED MEDICATION AIDE

§ 43-26-50. (Repealed effective July 1, 2011) Short title

This article shall be known and may be cited as the "Georgia Qualified Medication Aide Act."

HISTORY: Code 1981, § 43-26-50, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-51. (Repealed effective July 1, 2011) Purpose of article; legislative findings

The purpose of this article is to protect, promote, and preserve the public health, safety, and welfare through the delegation of certain activities performed by registered professional nurses and licensed practical nurses to persons who are certified as qualified medication aides and who are employed by and working in community living arrangements established by the Department of Human Resources pursuant to paragraphs (15) and (16) of subsection (b) of Code Section 37-1-20.

HISTORY: Code 1981, § 43-26-51, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-52. (Repealed effective July 1, 2011) Definitions

As used in this article, the term:

- (1) "Applicant" means any person seeking certification under this article.
- (2) "Board" means the Georgia Board of Examiners of Licensed Practical Nurses established pursuant to Article 2 of this chapter.
- (3) "Community living arrangement" means any residence, whether operated for profit or not for profit, which undertakes through its ownership or management to provide or arrange for the provision of daily personal services, support, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage which is established by the Department of Human Resources pursuant to paragraph (16) of subsection (b) of Code Section 37-1-20 and whose services are financially supported, in whole or part, by funds authorized through the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources. A community living arrangement is also referred to as a "residence."
- (4) "Licensed practical nurse" means an individual who is licensed to practice nursing under Article 2 of this chapter.
- (5) "Medication administration record" means a written record of medication ordered for and received by a resident of a community living arrangement.

(6) "Qualified medication aide" means a person who meets the qualifications specified in this article and who is currently certified by the board.

(7) "Physician" means an individual who is licensed to practice medicine under Article 2 of Chapter 34 of this title.

(8) "Registered professional nurse" means an individual who is licensed to practice nursing under Article 1 of this chapter.

(9) "Resident" means an individual in a community living arrangement.

(10) "Supervising nurse" means the registered professional nurse who is responsible for the supervision of a qualified medication aide in a community living arrangement.

(11) "Supervision" means initial and ongoing direction, procedural guidance, and observation and evaluation of the qualified medication aide by a registered professional nurse.

HISTORY: Code 1981, § 43-26-52, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-53. (Repealed effective July 1, 2011) Delegation of certain nursing tasks; presumption of necessary knowledge, skills, and expertise

(a) A registered professional nurse or a licensed practical nurse may delegate certain nursing tasks, as set out in Code Section 43-26-56, to no more than 15 qualified medication aides who are working at and employed by community living arrangements.

(b) Certification as a qualified medication aide by the board shall constitute a presumption that the qualified medication aide has acquired the necessary knowledge, skills, and experience to perform the delegated nursing task with reasonable skill and safety upon the residents of community living arrangements. The presumption may be overcome or rebutted by evidence to the contrary, including, but not limited to, the determination that deceptive or fraudulent information was used to obtain certification as a qualified medication aide.

HISTORY: Code 1981, § 43-26-53, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-54. (Repealed effective July 1, 2011) Powers and responsibilities of the board

The board shall have the power and responsibility to:

(1) Determine the qualifications and fitness of applicants for certification as a qualified medication aide and renewal of the certificate;

(2) Adopt rules and regulations consistent with this article necessary to enable it to carry into effect the provisions of this article, including disciplinary rules;

(3) Examine for, approve, issue, deny, revoke, suspend, and renew the certification of qualified medication aide certificate holders and applicants under this article;

(4) Conduct hearings in accordance with the Georgia Administrative Procedure Act regarding the regulation and enforcement of this article;

(5) Regulate the acts and practices that are allowed or prohibited for qualified medication aides, in accordance with the provisions of this article;

(6) Establish application, examination, and certification fees;

(7) Establish requirements for the education and training of qualified medication aides; and

(8) Establish continuing education requirements.

HISTORY: Code 1981, § 43-26-54, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-55. (Repealed effective July 1, 2011) Certification standards and requirements; issuance and renewal of certificates

(a) The board shall receive applications for certification to be qualified medication aides in Georgia. Each applicant shall meet the following qualifications:

(1) Be at least 18 years of age;

(2) Be able to read, write, speak, and understand the English language;

(3) Have attained a high school diploma or a general educational development (GED) diploma or the equivalent thereof;

(4) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center, as determined by the board. Application for a certificate under this Code section shall constitute consent for performance of a criminal background check. Each applicant who submits an application to the board for certification agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of a background check;

(5) Have completed a prescribed course of study in a qualified medication aide program conducted by the Department of Technical and Adult Education;

(6) Have successfully passed a board approved or administered competency exam for qualified medication aides; and

(7) Have met such other requirements as may be prescribed by the board.

(b) Each qualified medication aide shall, in order to maintain certification, work under the supervision of a registered professional nurse.

(c) Certificates issued under this article shall be renewed biennially according to schedules and fees approved by the board.

HISTORY: Code 1981, § 43-26-55, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-56. (Repealed effective July 1, 2011) Supervision required; prohibited activities of qualified medication aide

(a) The following tasks are permitted activities that may be delegated to a qualified medication aide under supervision and are subject to the rules and regulations promulgated by the board:

(1) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and rectal medications and medications by gastric ("G" or "J") tube;

(2) Administer insulin under physician direction and protocol;

(3) Administer medication via metered dose inhaler;

(4) Conduct finger stick blood glucose testing following established protocol;

(5) Administer commercially prepared disposable enema as ordered by a physician;

(6) Administer treatment for skin conditions, including stage I and II decubitus ulcers, following a designated protocol;

(7) Assist residents in supervised self-administration of medication;

(8) Record in the medication administration record all medications that the qualified medication aide has personally administered, including a resident's refusal to take medication; and

(9) Observe and report to the supervising nurse any changes in the resident's condition.

(b) The board shall promulgate rules and regulations regarding the activities permitted by this Code section and any other permitted activities, as determined by the board, and those activities that the supervising nurse is prohibited from delegating to a qualified medication aide and that the qualified medication aide is prohibited from performing.

HISTORY: Code 1981, § 43-26-56, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-57. (Repealed effective July 1, 2011) Requirements of community living arrangements

A community living arrangement which utilizes the services of a qualified medication aide shall employ or contract with a registered professional nurse who has responsibility for the supervision of the qualified medication aide. A registered professional nurse under discipline, sanction, or restriction by the Georgia Board of Nursing shall not provide supervision for a qualified medication aide.

HISTORY: Code 1981, § 43-26-57, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-58. (Repealed effective July 1, 2011) Grounds for refusal to grant or to renew a certificate; notice and hearing within meaning of Administrative Procedure Act not required

(a) The board shall have the authority to refuse to grant or to renew a certificate to an applicant, to revoke the certificate of a certificate holder, or to discipline a certificate holder upon a finding by the board that the applicant or certificate holder has:

(1) Been convicted of a felony, a crime involving moral turpitude, or any crime violating a federal or state law relating to controlled substances or dangerous drugs or marijuana in the courts of this state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to the charge, the granting of first offender treatment without adjudication of guilt, or the withholding of adjudication of guilt on the charges or crime;

(2) Had a certificate to practice as a qualified medication aide revoked, suspended, or annulled by any lawful certifying authority of any state or county, had other disciplinary action taken by any lawful certifying authority for any certification or licensure to practice a business or profession, including refusal of certification or licensure, or was denied a certificate by any lawful certifying authority;

(3) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" includes any departure from, or the failure to conform to, the minimum standards of acceptable and prevailing practice as a qualified medication aide;

(4) Violated or attempted to violate a law or any lawfully promulgated rule or regulation of the board, this state, any other state, the United States, or any other lawful authority, without regard to whether the violation is criminally punishable, which statute, law, or rule or regulation relates to or in part regulates the practice of a qualified medication aide, when the qualified medication aide or applicant knows or should have known that such action violates such law or rule or regulation;

(5) Violated a lawful order of the board previously entered by the board or the order of any certifying or licensing authority; or

(6) Displayed an inability to practice as a qualified medication aide with reasonable skill and safety due to illness; use of alcohol, drugs, narcotics, chemicals, or any other types of material; or as a result of any mental or physical condition.

(A) In enforcement of this paragraph, the board may, upon reasonable grounds, require a certificate holder or applicant to submit to a mental or physical examination by a board approved health care professional. The expense of such mental or physical examination shall be borne by the certificate holder or applicant. The results of such examination shall be admissible in any hearing before the board, notwithstanding any claim of privilege under contrary law or rule. Every certificate holder and applicant shall be deemed to have given such person's consent to submit to such mental or physical examination and to have waived all objections to the admissibility of the results in any hearing before the board upon the grounds that the same constitutes a privileged communication. If a certificate holder or applicant fails to submit to such an examination when properly directed to do so by the board, unless such failure was due to circumstances beyond that person's control, the board may enter a final order upon proper notice, hearing, and proof of such refusal. Any certificate holder or applicant who is prohibited from practicing under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate to the board that such person can resume or begin to practice as a qualified medication aide with reasonable skill and safety.

(B) In enforcement of this paragraph, the board may, upon reasonable grounds, obtain any and all records relating to the mental or physical condition of a certificate holder or applicant, including psychiatric records; such records shall be admissible in any hearing before the board, notwithstanding any privilege under a contrary law or rule. Every person who is certificated in this state or who shall file an application for said certificate shall be deemed to have given such person's consent to the board's obtaining such records and to have waived all objections to the admissibility of such records in any hearing before the board upon the grounds that the same constitute a privileged communication.

(b) Neither denial of an initial certificate, the issuance of a private reprimand, nor the denial of a request for reinstatement of a certificate on the grounds that the certificate holder or applicant has failed to meet the minimum requirements shall be considered a contested case within the meaning of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act"; and notice and hearing within the meaning of Chapter 13 of Title 50 shall not be required, but the certificate holder or applicant shall be allowed to appear before the board if he or she so requests.

HISTORY: Code 1981, § 43-26-58, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-59. (Repealed effective July 1, 2011) Construction of article

(a) Nothing in this article shall be construed to limit or repeal Articles 1 and 2 of this chapter, relating to registered professional nurses and licensed practical nurses, respectively.

(b) Nothing in this article shall be construed to limit or repeal any existing authority of a physician to delegate to a qualified person any acts, duties, or functions which are otherwise permitted by law or established by custom.

HISTORY: Code 1981, § 43-26-59, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

§ 43-26-60. (Repealed effective July 1, 2011) Repealer

This article shall be repealed in its entirety on July 1, 2011.

HISTORY: Code 1981, § 43-26-60, enacted by Ga. L. 2006, p. 125, § 1/SB 480.

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